

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISIONFILED BY *[Signature]* D.C.
2005 JUL 29 PM 2:44UNITED STATES OF AMERICA,
Plaintiff,
v.

NO. 99-20156-D

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHISJoseph Vershish,
Defendant.

MOTION TO CONTINUE SENTENCING

05 AUG 2 AM 6:48
FILED BY *[Signature]* D.C.
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS
THOMAS M. GOULD

Comes now, the defendant, Joseph Vershish, by and through his attorney of record and hereby requests this court enter an order continuing the above referenced sentencing hearing currently set for August 3, 2005. In support of said motion, your defendant would respectfully state the following:

1. Your defendant was originally sentenced in the above referenced matter and timely filed an appeal regarding the sentence received.
2. While the matter was pending appeal, the United State Supreme Court decided Booker / Fanfan. That decisions and the Sixth Circuit jurisprudence that followed directly affected the issues pending before the court of appeals in this matter.
3. By agreement, the United States and the defendant had the matter remanded back to the district court for re-sentencing.
4. Since that time, counsel for the United States and the defendant have

MOTION GRANTED
DATE: 8-1-2005
BERNICE BOUCHE DONALD
U.S. DISTRICT JUDGE

This document entered on the docket sheet in compliance
(L:\WDOX\BKClient\2267\001\pld\00004990) with Rule 55 and/or 32(b) FFCrP on *8/1/05*

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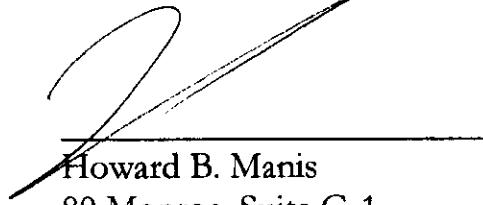
met and discussed a proposed resolution to this matter that will not require another sentencing hearing.

5. Additionally, the defendant has a companion case that is currently on appeal. A resolution of that appeal is expected within ninety (90) days.
6. Counsel for the defendant is currently scheduled to be out of town on the sentencing date of August 3, 2005.
7. Additionally, Counsel for the defendant is relocating his practice to Chicago, Illinois as of August 12, 2005.
8. Counsel has agreed to continue his representation of the defendant in this matter as well as the companion case. Counsel will return to the jurisdiction for all future court proceedings.
9. After discussions with Camille McMullen, Assistant United States Attorney handling this matter, the parties would respectfully request that this court continue the sentencing in this matter for at least ninety (90) days to allow the parties to finalize a proposed disposition to the court as well as to allow the companion case currently on appeal to reach final resolution.
10. Once that has occurred, Counsel for both parties will be prepared to resolve both matters.

Wherefore premises considered, your defendant respectfully requests

that the sentencing hearing currently set for August 3, 2005 be reset for at least ninety (90) days to allow the parties to reach a proposed disposition in this matter and allow the sufficient time for the companion case to reach a final resolution as well.

Respectfully submitted,



Howard B. Manis
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Memphis, Tennessee 38120
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Attorney for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Notice of Appearance was furnished by mailing/delivering same U.S. postage prepaid the 29 day of July, 2005, to the following:

Ms. Camille McMullen
Asst. U.S. Attorney
167 N. Main, 10th Floor
Federal Office Building
Memphis, TN 38103



HOWARD B. MANIS



Notice of Distribution

This notice confirms a copy of the document docketed as number 121 in case 2:99-CR-20156 was distributed by fax, mail, or direct printing on August 4, 2005 to the parties listed.

Tracy Lynn Berry
U.S. ATTORNEY'S OFFICE
167 N. Main St.
Ste. 800
Memphis, TN 38103

Honorable Bernice Donald
US DISTRICT COURT